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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,018	03/13/2002	Christophe Nicolas	3829-049 NATL	4937
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DLA PIPER LLP (US) ATTN: PATENT GROUP P.O. Box 2758 Reston, VA 20195			EXAMINER HUSSAIN, FARRUKH	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/088,018

Applicant(s)

NICOLAS ET AL.

Examiner

FARRUKH HUSSAIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-10, 12-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 12-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in regards to the response received on 06/30/2010.

The office action of 06/22/2010 is withdrawn and the following action is taken.

Claims 1, 3-10, 12-16 and 18 are pending.

Response to Arguments

2. Applicant's arguments filed 03/17/2010 with respect to claims 1, 3-10, 12-16 and 18 have been considered but are moot in view of the new ground(s) of rejection.

The examiner contacted the applicant's representative on August 19, 2010 and stated that he will be sending a supplemental action soon. However, Ms. Kim Huynh, QAS 2400 suggested that it should be a Non Final since the applicants would not have enough time to response to a supplemental action.

3. Point A. The applicants argued that The Proposed Combination of Deiss, Khan and Wong Does Not Make Sense.

As to Point A, the examiner would like to state that the examiner has removed the teachings of Khan making the argument moot.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-10, 12-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deiss (US 5,802,063), in View of Wong et al. (Wong) (US 5,978,787) and Yorimitsu et al. (Yorimitsu) (US 5,835,940).

5. Regarding claim 1, Deiss disclosed a computer-implemented method and system of processing a chain of database management messages exchange between a management center device and a plurality of distributed subscriber databases, wherein each management message member of this chain comprises a chain header and a chain identifier (*see column 2, line 55 through column 3, line 6 Within every payload is a header which contains a continuity count, CC, modulo 16, and a TOGGLE flag bit which are program component specific.*), comprising creating by the management center device a conditional block for each management message member of said chain, said conditional block indicating at least one of the following conditions (*see column 1, lines 55-67 containing a conditional access payload header.*):

the management message member associated with the conditional block is to be processed without reference to all or part of other message members of the chain, (*see column 5, lines 11-63 FIG. 4 illustrates exemplary apparatus for detecting packets (process) which include conditional access information*);

the management message member associated with the conditional block is to be processed with reference to at least one of other message members of

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the chain (see column 4, lines 41-55 entitlement management messages and see column 1, lines 55-67 containing a conditional access payload header and see column 4, lines 25-33 data memory area or block respectively);

at least one management member of the chain containing a conditional block indicating a condition wherein said management message member is to be processed with reference to at least one of other message members of the chain (see column 4, lines 41-55 entitlement management messages and see column 1, lines 55-67 containing a conditional access payload header and see column 4, lines 25-33 data memory area or block respectively);

adding by the management center device said conditional block to each of said respective management message members of said chain (column 5, lines 44-46 FIG. 4 illustrates exemplary apparatus for detecting packets (process) which include conditional access information); and

transmitting by the management center device the chain of database management message between a management center and a plurality of distributed subscriber database devices (see column 1, lines 57-61);

reading at a subscriber database device, the conditional block of the received management message of said chain (column 11, lines 34-40 Memory read/write control is performed by the service pointer controller and direct memory access);

determining at a subscriber database device whether processing of a received message is subject to a condition in the corresponding conditional block (column 7, line 30 through column 8, line 10 FIG. 5 is a flow chart of the

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operation of the conditional access filter 30. The process is started by the detection of the associated SCID.);

if the processing of the received message is not subject to a condition, immediately processing said message by the subscriber database device (column 7, lines 4-8);

if the received message is subject to a condition, determining by the subscriber database device from said table whether the condition has been fulfilled (column 5, lines 1-31);

if the condition has been fulfilled, immediately processing said message by the subscriber database device (column 5, lines 1-31);

Deiss fails to explicitly teach managing a table in the subscriber database device, containing an information representing a processing state of each member of the chain;

determining by the subscriber database device from said table which are the message members of said chain that have been processed;

updating by the subscriber database device said table when a message member of said chain is successfully processed.

However, Wong teaches or suggests managing a table in the subscriber database device, containing an information representing a processing state of each member of the chain (see column 2, lines 27-35 *The report table includes a set of report parameters*);

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determining by the subscriber database device from said table which are the message members of said chain that have been processed(*see column 2, lines 27-35 The report table includes a set of report parameters.*);

updating by the subscriber database device said table when a message member of said chain is successfully processed (*see column 2, lines 27-35 The report table includes a set of report parameters and see column 6, lines 62-67 table is updated according to steps 320*).

Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Wong to utilize the store into the second storage section feature and managing a table feature within a chain of database management messages exchange taught by Deiss. The motivation for this would have been to provide the contents of a report associated with the report (*see column 2, lines 27-35 The report table includes a set of report parameters and see column 6, lines 62-67 table is updated according to steps 320.*)

Deiss and Wong fail to teach explicitly if the condition has not fulfilled, locally storing said message by the subscriber database device;

after the message has been locally stored, reading the memory of the subscriber database device and determining that the condition associated with the locally stored message has been fulfilled; and

processing the locally stored message after determining that the condition associated with the locally stored message has been fulfilled;

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However, Yorimitsu teaches if the condition has not fulfilled, locally storing said message by the subscriber database device (see column 5, lines 50-67 when the relevant data doesn't exist in the self cache memory (mis-hit)... the data is written into the self cache memory (local cache memory));

after the message has been locally stored, reading the memory of the subscriber database device and determining that the condition associated with the locally stored message has been fulfilled (see column 6, lines 1-7 when the write back conditions are satisfied, the data (hereinafter, referred to as a "dirty data") which is not yet written into the disk unit from the self cache memory is extracted and rewritten into the disk unit); and

processing the locally stored message after determining that the condition associated with the locally stored message has been fulfilled (see column 6, lines 1-7 as a write back process after completion of the process of the write request, when the write back conditions are satisfied, the data (hereinafter, referred to as a "dirty data") which is not yet written into the disk unit from the self cache memory is extracted and rewritten into the disk unit);

Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Yorimitsu to utilize the locally storing said message feature and managing a table feature within a chain of database management messages exchange taught by Deiss and Wong. The motivation for this would have been to provide the reliability significance mode is set by the operating mode setting section (see Yorimitsu column 5, lines 50-67)

6. Regarding claim 3, Deiss disclosed the method and system further comprising the steps of resetting said table either on request of the managing center or after a predefined time (*see column 8, lines 11-20*).

7. Regarding claim 4, Deiss disclosed the method and system wherein the subscriber database is connected to a subscriber unit and wherein it comprises the step of memorizing the management messages in a memory of the subscriber unit and of presenting them on request to the subscriber database (*see column 3, line 66 through column 4, line 67*).

8. Regarding claim 5, Deiss disclosed the method and system further comprising the steps of memorizing incoming messages in series, each incoming message causing an increment of a stack pointer of incoming messages, and of allowing a direct access to the messages requested by the subscriber database (*see column 4, lines 11-25; column 8, lines 11-20; column 9, lines 56-63*).

9. Regarding claim 6, Deiss disclosed the method and system wherein the memory of the subscriber unit is configured as a serial buffer memory having a fixed length (*see column 4, lines 12-25; column 8, lines 11-20*).

10. Regarding claim 7, Deiss disclosed the method and system further comprising the steps of receiving in the subscriber database device a message member of a chain, and of allocating in the subscriber database device the memory necessary for receiving all the members of this chain (*see column 4, lines 11-25; column 8, lines 11-20; column 9, lines 56-63*).

11. Regarding claim 8, Deiss disclosed the method and system further comprising the steps of requesting the subscriber database device to compose a

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management message describing its software and hardware resources and of sending said message either to the subscriber database device or to the management center device (see column 4, lines 42-67).

12. Regarding claim 9, Deiss disclosed the method and system wherein the request is transmitted, either by the management center device under the form of a management message, or by the subscriber database device under the form of an instruction on an I/O line (see column 4, lines 42-67).

13. Independent claims 10, 16, and 18 as well as their dependent claims recite substantially the invention of claims 1 and 3-9. Accordingly, these claims are rejected under the same rationale detailed above.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARRUKH HUSSAIN whose telephone number is (571)270-5652. The examiner can normally be reached on Monday-Thursday, Alt. Friday, 7:30 A.M-5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. H./
Examiner, Art Unit 2444
08/20/2010

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art
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